

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK T. CRAIGHEAD, *et al.*,
Plaintiff,
v.
DANA NESSEL, *et al.*,
Defendants.

Case No. 24-10022
Honorable F. Kay Behm
Magistrate Judge Elizabeth A. Stafford

**ORDER FOR SUPPLEMENTAL BRIEFING ON
DEFENDANTS' MOTION TO DISMISS**

Plaintiff Mark T. Craighead and his company, Safe Place Transition Center, Inc., sue Michigan Attorney General Dana Nessel and her assistant, Brian W. Hickman. ECF No. 1. The Honorable F. Kay Behm referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 6. After plaintiffs initiated suit, Safe Place filed for Chapter 7 bankruptcy protection, so proceedings for Safe Place are stayed. See ECF No.16, PageID.164-165.

Defendants move to dismiss the complaint on several grounds, but the Court questions whether it should dismiss or stay this case for a reason not raised in defendants' motion—the *Younger* abstention doctrine. ECF

No. 12. Before plaintiffs filed this case, the Attorney General petitioned the Wayne County Probate Court to take limited supervision of Safe Place; appoint a special fiduciary; and order an accounting, registration, and the filing of annual statements. ECF No. 12-1, PageID.94-95. The petition requests that Craighead be held liable if Safe Place fails to properly account. *Id.*, PageID.95.

In the complaint here, Craighead asserts that the Wayne County petition is fraudulent and abusive, and violates his and Safe Place's constitutional rights. ECF No. 1. The Court questions whether the *Younger* abstention doctrine applies. See *Nimer v. Litchfield Twp. Bd. of Trustees*, 707 F.3d 699, 701 (6th Cir. 2013) ("A district court may abstain under the *Younger* doctrine if three conditions exist: there are state proceedings that are (1) currently pending; (2) involve an important state interest; and (3) will provide the federal plaintiff with an adequate opportunity to raise his or her constitutional claims."). Thus, Craighead and defendants each must file a supplemental brief by November 11, 2024, addressing whether this case should be dismissed or stayed under the *Younger* abstention doctrine.

IT IS ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: October 22, 2024

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served on counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 22, 2024.

s/Davon Allen
DAVON ALLEN
Case Manager